

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHFL Entertainment, Inc.,

Plaintiff,

vs.

CAREY RICHARDSON d/b/a iAPP SHOP,

Defendant.

Case No. 2:13-cv-01131-APG-CWH

ORDER

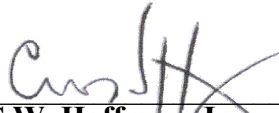
This matter is before the Court on Plaintiff's Proposed Discovery Plan and Scheduling Order (#11), filed October 11, 2013. The stipulated plan does not comply with Local Rule ("LR") 26-1, which requires that within fourteen (14) days after the Rule 26(f) conference that the parties submit "a stipulated discovery plan and scheduling order." *See* LR 26-1(d). To the extent the parties differ as to the form or contents of the proposed plan, they must provide "a statement of each party's position on each point in dispute." *Id.*

Based on the proposed plan, it appears Defendant has refused to participate in a Rule 26(f) conference pending resolution of its motion to dismiss (#7), which challenges whether the Court has personal jurisdiction over Defendant. A potentially dispositive motion does not provide for an automatic stay of discovery. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 600-01 (D. Nev. 2011) ("The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending."). Moreover, though personal jurisdiction is a critical preliminary question, a motion challenging personal jurisdiction does not mandate a stay of discovery even if the stay has been requested. *AMC Fabrication, Inc. v. KRD Trucking West, Inc.*, 2012 WL 4846152 (D. Nev.) (courts retain discretion to determine whether discovery should go forward in the face of a motion challenging jurisdiction).

Based on the foregoing, the Court will deny the proposed discovery plan and require the

1 parties to conduct a Rule 26(f) conference and submit a stipulated discovery plan, in full
2 compliance with LR 26-1, by October 30, 2013. The failure to participate in developing and
3 submitting a proposed plan may result in sanctions under Fed. R. Civ. P. 37(f).

4 DATED: October 16, 2013.

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7 **C.W. Hoffman, Jr.**
8 **United States Magistrate Judge**
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